



**DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES**

Policy No.: DOC 3.1.28	Subject: CRIME SCENE AND PHYSICAL EVIDENCE PRESERVATION
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 3
Section 1: Security and Control	Revision Date: July 5, 2001
Signature: /s/ Bill Slaughter	Effective Date: April 1, 1998

I. POLICY:

It is the policy of the Department of Corrections to develop procedures to preserve crime scenes and physical evidence in all crimes that occur within the jurisdiction of the Department of Corrections. This will maximize the possibility of successful prosecution and conviction of perpetrators.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

53-1-203, MCA. Powers and Duties of Department of Corrections

III. DEFINITIONS:

Chain of Evidence means the process where the accountability for evidence is recorded from the time of its recovery to its presentation in court with all those who have handled it being identified by their signatures.

Crime means any action or incident in a facility or program which may result in the filing of felony charges.

Crime Scene is described as any area where a crime has occurred or was committed. It may also be a location, place or area where a crime was planned.

Physical Evidence means any tangible object, material, or impression that connects a perpetrator to a crime scene.

IV. PROCEDURES:

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A. Crime Scene Protection

1. Any time it is believed that a crime has been committed, the Shift Supervisor must be notified. The Shift Supervisor will then assign staff to secure the crime scene, identify all persons present when the incident took place, and ensure preservation of any evidence.
2. Local law enforcement authorities and Department Investigators will be contacted as soon as possible for investigation.
3. Department counsel will be contacted in all cases when felony charges may be filed.
4. Nothing within the crime scene area will be moved or touched by anyone, except as needed to render emergency medical assistance. Even then the scene should not be disturbed any more than necessary. If an object such as a weapon needs to be removed because of a threat to security, that object must be photographed and diagramed in relation to the rest of the crime scene prior to its removal, if practical.
5. The crime scene must not be touched until local law enforcement officials determine whether they will be handling the case, in which case they will be responsible for all evidence collection. Should local law enforcement decide not to handle the case, the Department will be responsible for all evidence collection.

B. Evidence

Any time crime scene evidence is present, local law enforcement must be notified. If local law enforcement is not able to respond, Department staff will follow the guidelines as listed.

1. The person seizing an article of evidence will normally maintain custody of that evidence until its placement in the evidence locker. That person will complete all entries on the chain of evidence tag. Entries must include at a minimum the following information:
 - a) date and time the person took custody of evidence;
 - b) date and time the person relinquished custody of evidence;
 - c) description of the item;

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- d) how and where the item was found;
- e) location and disposition of the evidence;
- f) type of crime alleged or type of incident;
- g) condition of evidence;
- h) identity of the staff member;
- i) signature of the staff member; and
- j) sequential names of others handling articles.

Note: As few staff as possible should handle evidence in order to preserve the chain of evidence.

2. Each article of evidence must be placed in a secure evidence locker at the earliest opportunity. Access to the evidence storage area will be strictly limited to authorized personnel only and all access and egress will be logged by person, date and evidence number. An evidence log must be maintained at the site of each evidence locker. A detailed report should also be submitted along with the evidence.
3. Disposition or disposal of evidence must be logged and will include at a minimum:
 - a) name of person handling the evidence;
 - b) date;
 - c) method of disposition/disposal; and
 - d) witness(s) to the disposition,
4. Disposition of evidence will occur within 60 days of the conclusion of all legal and administrative proceedings.

V. CLOSING: Questions concerning this policy should be directed to the Warden/Superintendent/Program Manager/Contract Placement Bureau Chief, or Investigations Unit.